

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EFREN LOPEZ-GAMBOA,

Petitioner,

v.

RICHARD MORGAN,

Respondent.

CASE NO. C05-940-JLR-MJB

ORDER DENYING § 2254 PETITION
AND DISMISSING ACTION WITH
PREJUDICE

The Court, having reviewed the petition for writ of habeas corpus, respondent's response thereto, the Report and Recommendation of Judge Monica J. Benton, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's federal habeas petition (Dkt. No. 5) is DENIED and this action is DISMISSED with prejudice.
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Benton.

DATED this 22nd day of November, 2005.

s/James L. Robart

JAMES L. ROBART
United States District Judge

ORDER DENYING § 2254 PETITION